

Congress of the United States
House of Representatives
Washington, D.C. 20515

January 29, 2007

The Honorable Andrew C. von Eschenbach, M.D.
Commissioner
Food and Drug Administration
Department of Health and Human Services
5600 Fishers Lane
Rockville, Maryland 20857

Dear Dr. von Eschenbach:

Pursuant to Rules X and XI of the Rules of United States House of Representatives, the Committee on Energy and Commerce and the Subcommittee on Oversight and Investigations are conducting an investigation into the adequacy of the efforts of the Food and Drug Administration (FDA) to protect the safety of the Nation's food supply. The E. coli 0157:H7 and salmonella outbreaks in recent months resulting from the consumption of raw spinach, tomatoes, and lettuce have raised serious questions about whether the FDA can adequately protect the Nation's food supply. Unfortunately, these outbreaks are not an anomaly, but are increasing in number. Annual outbreaks of produce-related, food-borne illnesses have grown from about 40 in 1999 to 86 in 2004. We are concerned about whether the public health system failed to protect the Nation's produce, resulting in great personal cost to our citizens, many of whom became seriously ill or died.

The purpose of this inquiry is to determine if the response from the FDA has been sufficient to address this growing risk. We understand that the budget for the FDA's Center for Food Safety and Applied Nutrition (CFSAN) has fallen from \$48 million to \$25 million in just three years. On the enforcement side, annual inspections of the more than 12,000 domestic food-processing plants dropped from 4,573 in 2005 to about 3,400 in 2006.

Three major industry groups have called for Federal or State regulation and several large grocery chains are conducting their own inspections of processing plants because they can no longer trust Government regulators. The Food Marketing Institute and the National Restaurant Association are developing their own guidelines. Eight supermarket chains and distributors sent a letter to growers and packers demanding that they develop a food safety program for lettuce and leafy greens by the end of this week. And one growers association is already negotiating its own agreement with the State of California for a formal system of farm inspections, regulations of water and soil quality and sanitation, and enforcement of violations.

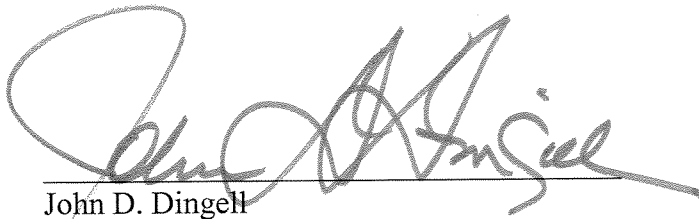
The Honorable Andrew C. von Eschenbach, M.D.
Page 2

The Federal authority over FDA safety is necessary because food is neither grown nor processed locally. A hodge-podge of actions by States, industry groups, and retailers will not suffice to protect our food supply. That was the job Congress gave to the FDA when it was established over a century ago.

Therefore, we request that a briefing be provided by Dr. David Acheson of CFSAN and other officials from CFSAN, the Office of Regulatory Affairs, or elsewhere in FDA that you believe can assist in our inquiry. After that briefing we may need records and additional interviews. We would ask that the briefing take place on or before the close of business on Wednesday, February 7, 2007.

To schedule the briefing and to obtain any further information regarding this inquiry, please contact David Nelson of the Majority committee staff at (202) 225-2927 or Alan Slobodin of the Minority committee staff at (202) 225-3641.

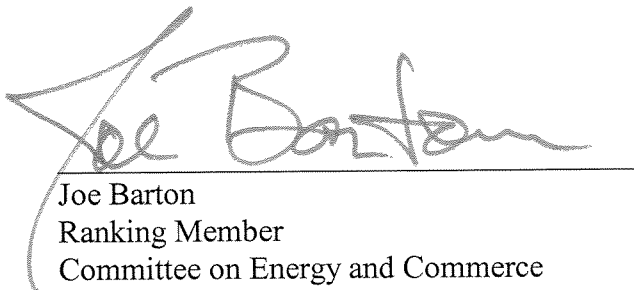
Sincerely,



John D. Dingell
Chairman
Committee on Energy and Commerce



Bart Stupak
Chairman
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce



Joe Barton
Ranking Member
Committee on Energy and Commerce



Ed Whitfield
Ranking Member
Subcommittee on Oversight and Investigations
Committee on Energy and Commerce